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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,209	02/24/2004	Ronald P. Hohmann JR.	PHO-236 CIP	8805
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SILBER & FRIDMAN 1037 ROUTE 46 EAST SUITE 207 CLIFTON, NJ 07013			EXAMINER FIGUEROA, ADRIANA	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 05/13/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/785,209

**Applicant(s)**

HOHMANN, RONALD P.

**Examiner**

Adriana Figueroa

**Art Unit**

3633

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/17/2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: in the amended disclosure in page 14, line 1, the "tubular legs 142" are not shown in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: in Figure 3, reference numerals 68 and 70 are not mentioned in the description. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

Art Unit: 3633

only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 7 and 18 are objected to because of the following informalities: claim 7 in line 3-4 and claim 18 in lines 4-5, the phrase "wherein said veneer tie further comprises" should be before the phrase "a reinforcement wire". Appropriate correction is required.

For examination purposes, examiner will consider the veneer tie comprising a reinforcement wire, an attachment portion and an insertion portion.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohmann (US 4,598,518) in view of Stephens (US 1,854,633).

Regarding claim 1, Hohmann discloses a surface-mounted anchoring system for use in the construction of a wall having an inner wythe (19) and an outer wythe (20),

Art Unit: 3633

said outer wythe formed from a plurality of successive courses (22) with a bed joint between each two adjacent courses, said inner wythe and said outer wythe in a spaced apart relationship the one with the other forming a cavity therebetween, said inner wythe having an exterior layer being insulation (17), (Figures 1, 2), said surface-mounted anchoring system comprising: an anchoring system having a wall anchor (12) constructed from a plate-like body (24) having two major faces being the mounting surface (i) and the outer surface (o), said wall anchor, in turn, comprising; a pair of legs (33), each extending from said mounting surface of said plate-like body from an inboard location thereof with the longitudinal axis of each of said legs being substantially normal to said mounting surface (i), (annotated Figure 3), said legs adapted for insertion at a predetermined insertion point into said exterior layer of said inner wythe,

a covering portion (c) formed at said mounting surface (i) of said plate-like body, said covering portion adapted to preclude penetration of air, moisture and water vapor into said exterior layer, (annotated Figure 3);

an apertured receptor portion (28) adjacent said outer surface (o) of said plate-like body (24), (annotated Figure 3), said aperture receptor portion adapted to limit displacement of said outer wythe toward and away from said inner wythe;

a veneer tie (18) threadedly disposed through said apertured receptor portion (28), (annotated Figure 3) of said wall anchor and adapted for embedment in said bed joint of said outer wythe to prevent disengagement from said anchoring system.

Hohmann does not disclose the legs having a channel along said axis adapted for sheathing mounting hardware, or at least one strengthening rib impressed in said plate-like body parallel to said apertured receptor portion. However, Stephens teaches an anchor having at least one strengthening rib (11) impressed in a plate-like body (5) parallel to an apertured receptor portion (6), (Figure 1). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the anchor of Hohmann to include strengthening ribs parallel to the apertured receptor body and in each of the legs as taught by Stephens, as it is well known in the art to add ribs to sheet metal members, as they provide reinforcement by adding strength and rigidity to the sheet metal.

The modified wall anchor of Hohmann and Stephens would have the strengthening rib in each of the legs forming a channel that would allow for sheathing mounting hardware.

Regarding claim 2, Hohmann modified by Stephens discloses as discussed above, but does not disclose said wall anchor strengthened by at least one strengthening rib is constructed to meet a 100 lbf tension and compression rating. However, it would have been an obvious matter of engineering design choice to modify the anchoring system of Hohmann and Stephens to have the strengthening rib constructed to meet a 100 lbf tension and compression rating since the anchoring system would obviously be required to have a high strength, as it is used to hold wall members together.

Regarding claim 3, Hohmann modified by Stephens discloses the claimed invention. Hohmann further teaches a surface-mounted anchoring system wherein said exterior layer is insulation (17), each said insertion point in said insulation adapted to accommodate one of said legs and the associated mounting hardware, (Figures 1, 2).

Regarding claim 4, the modified anchoring system of Hohmann and Stephens would have said strengthening rib impressed to depend from said mounting surface (i) and adapted, upon surface mounting of said wall anchor, to be pressed into said insulation of said inner wythe, (Figure 2).

Regarding claim 5, Hohmann modified by Stephens discloses the claimed invention, Hohmann further teaches said inner wythe (19) is a dry-wall construct (Column 2, Lines 19-20), and wherein each of said pair of legs (33) extending from said mounting surface (i) of said plate-like body (24), terminate in at least two points (39, 41), (annotated Figure 3) capable of adapting said anchoring system for minimal thermal transfer between said inner wythe and said anchoring system.

Regarding claim 7, Hohmann modified by Stephens discloses the claimed invention; Hohmann further teaches said veneer tie further comprises an anchoring system having reinforcement wire (18); an attachment portion (a) for threading through said apertured receptors (28); an insertion portion (b) contiguous with and opposite said attachment portion, said insertion portion being swaged for interconnection with said reinforcement wire, (annotated Figure 3);





5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hohmann (US 4,598,518) in view of Stephens (US 1,854,633) and further in view of Liu (US 6,098,364). Hohmann modified by Stephens discloses the claimed invention, but does not disclose each of said pair of legs is formed from a hollow tubular member extending with the longitudinal axis thereof substantially normal to said mounting surface of said plate-like body and adapted to sheathe said mounting hardware inserted therethrough. However, Liu discloses an anchoring system having legs (210) formed from a hollow tubular member extending with the longitudinal axis thereof substantially normal to said mounting surface of said plate-like body, (Figure 5), (Column 2, Lines 45-46). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the anchoring system of Hohmann, and Stephens to have the legs formed from a hollow tubular member as taught by Liu in order to enable the mounting hardware to be held by the wall anchor and securely engage a wall construction.

Regarding claims 10-12, Hohmann modified by Stephens and Liu discloses the claimed invention; Hohmann further teaches an anchoring system (12) having sealant means for further sealing between said plate-like body including the mounting surface and the covering surface and said exterior layer, (Figure 2), (Column 3, Lines 51-57).

In addition, it would have been obvious to one having ordinary skill in the art to apply the sealant prior to mounting the wall anchor. The mounting surface would be flush against a wall once the anchor is mounted, and it would be very difficult to apply

Art Unit: 3633

sealant to that area. It would be much easier to apply a sealant before mounting the anchor.

***Allowable Subject Matter***

6. Claims 13-18 are allowed.

***Response to Arguments***

7. Applicant's arguments, see remarks, filed 01/17/2008 with respect to the rejection(s) of claim(s) 1-19 under 112<sup>th</sup> second paragraph have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

8. Applicant's arguments, see remarks, filed 01/17/2008 with respect to the rejection(s) of claim(s) 1-19 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hohmann, Stephens and Liu, see rejection of claims 1-12 above.

9. In response to applicant's argument in page s 23 and 24 of the remarks, the examiner asserts that the prior art of Liu teaches members that are hollow and tubular and clearly meets this limitation.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Monroe (US 3,154,889) teaches a clip having a leg with two bends of 90 degrees each; Zadeh (US 6,688,069) teaches a clip having reinforcing ribs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/785,209

Page 11

Art Unit: 3633

Examiner, Art Unit 3633

05/09/2008

/Brian E. Glessner/

Supervisory Patent Examiner, Art Unit 3633